

Atty. Dkt. No. 016790-0430

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lambert DANNER et al
Title: SPECTRAL ELLIPSOMETER HAVING A REFRACTIVE
ILLUMINATING OPTICAL SYSTEM
Appl. No.: 09/893,709
Filing Date: 06/29/2001
Examiner: S. Sugarman
Art Unit: 2873

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop PATENT APPLICATION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

RELEVANCE OF EACH DOCUMENT

These documents have been received from a third party (J.A. Woollam). This party has made notes on the documents which may not be part of the prior art and which the applicant does not necessarily agree with.

The applicant does not necessarily agree with the characterization of the scope and content of the prior art made in the enclosed documents.

Document A8 discloses a spectral oval polarimeter provided with a refractive lighting optical system.

Document A12 discloses an acousto-optic tunable double-beam spectrometer.

Document A14 discloses a three-dimensional shape measuring device.

Documents A7 and A13 (which discloses a spectral ellipsometer) claim priority based on the same first-filed application.

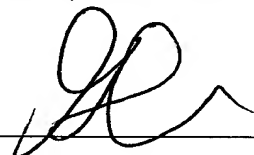
English translations of the foreign-language documents are not readily available. However, the absence of such translations does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609). English language abstracts are provided for documents A8, A12, A13 and A14. An English language translation is also provided for document A14.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By



Glenn Law
Attorney for Applicant
Registration No. 34,371

Date: August 6, 2003

FOLEY & LARDNER
Customer Number: 22428

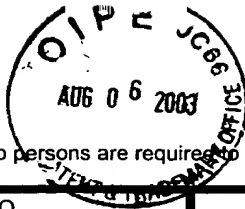


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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: August 6, 2003

(use as many sheets as necessary)

Complete if Known

Application Number	09/893,709
Filing Date	06/29/2001
First Name and Inventor	Lambert DANNER
Group Art Unit	2873
Examiner Name	S. Sugarman
Attorney Docket Number	016790-0430

Sheet 1 of 3

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	5,978,087		PATTERSON ET AL.	11/02/1999	
	A2	5,963,327		HE ET AL.	10/05/1999	
	A3	5,877,859		ASPINES ET AL.	03/02/1999	
	A4	5,349,471		MORRIS ET AL.	09/20/1994	
	A5	5,166,752		SPANIER ET AL.	11/24/1992	
	A6	4,671,657		CALVANI ET AL.	06/09/1987	
	A7	2002/0024669	A1	DANNER ET AL.	02/28/2002	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A8	JP	2002-098591	A	LEICA MICROSYSTEMS WETZLER GMBH	04/05/2002		Abstract
	A9	WO	99/02950	A1	OPTICAL INSIGHTS, LLC	01/21/1999		
	A10	WO	96/18205	A1	MOLECULAR DYNAMICS, INC.	06/13/1996		
	A11	WO	92/12404	A1	RUDOLPH RESEARCH CORPORATION	07/23/1992		
	A12	WO	91/14157	A2	BRAN + LUEBE GMBH	09/19/1991		Abstract
	A13	EP	1 172 642	A2	LEICA MICROSYSTEMS WETZLER GMBH	01/06/2002		Abstract
	A14	JP	7-229720	A	NIHON DENKI KK	08/29/1995		Transl.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A15	Affidavit from John Woollam, President of J.A. Woollam Co., Oct. 1, 2002.	
	A16	Affidavit from Hiroki Hashimoto of Fujitsu Corporation (English and Japanese language) dated 9/2/2002, along with Fujitsu Purchase Order sheet and Acceptance Report by Fujitsu of Woollam Company Achromatic focusing M-44 Ellipsometer dated 07/08/1999.	
	A17	Affidavit from Michio Suzuki of J.A. Woollam Co., Japan (English and Japanese language) dated 9/2/2002, along with Purchase Order Sheet by Japan company from J.A. Woollam Co., Lincoln, for an achromatic focusing M-44 for Fujitsu dated 7/5/1999.	

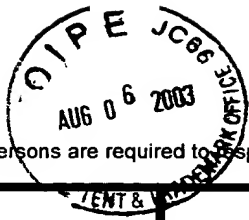
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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	A18	Affidavit from Gen Wang of Samsung Information Systems America, Inc., dated 08/28/2002, along with the Purchase Order and Original Quotation for achromatic focusing M-44 from J.A. Woollam Co., dated 01/07/1997.	
	A19	Affidavit from Erik Bylin, Materials Director, NANOMETRICS Corporation, 09/20/2002.	
	A20	Multiwavelength Ellipsometers, Vintage J.A. Woollam Co., M-44/M-88, December 1996.	
	A21	Letter from Roger Bruhn, R. Bruhn Photography + Design, with attachment.	
	A22	Multilayer Optical Spectrometer Scanner, SOPRA Brochure, March 1989, pages 2-6.	
	A23	Yufeng Li, "Flying Height Measurement on Al ₂ O ₃ Film of a Magnetic Slider", Tribology, Vol. 119, October 1997, pages 681-686.	
	A24	J. A. Zapien et al., "Real-time Spectroscopic Ellipsometry from 1.5 to 6.5 eV", Thin Solid Film, Vol. 364, Nos. 1,2, March 27, 2000, pages 16-21.	
	A24	E. Hecht, "More on Geometrical Optics", OPTICS, Chapter 6, 1977, pages 232-239.	
	A25	M. E. El-Ghazzawi et al., "Spectroellipsometry Characterization of Directly Bonded Silicon-on-Insulator Structures", Thin Solid Films, Vol. 223, 1993, pages 218-222.	
	A26	Edmund Industrial Optics, 1999 Optics and Optical Instruments Catalog pages, 3 pages	
	A27	Purchase Orders from Edmund Scientific Company to J.A. Woollam Co. dated October 14, 1999, April 13, 1998 and March 28, 1996.	

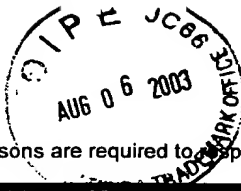
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	A28	Alleged Evidence J.A. Woollam Co., sold Edmund Scientific Achromatic Lens to Fujitsu, Samsung, and Nanometrics including Bill of Materials of M44-FCS-OPTICS shipped 10/13/1999 showing EDMUND Part 32,311 Achromatic Lens 34.47 was included, 12 pages.	
	A29	Alleged Representative/Example Purchase Orders and Packing Lists for sales of J.A. Woollam focused (achromatic) spectroscopic M-44 ellipsometers to NANOmatics Corporation. Dates are prior to July 11, 2000, 6 pages.	
	A30	Order bills for M-44 Ellipsometer with achromatic focusing lenses for NANOmatics Corporation. Order numbers correspond with Packing List and Purchase Order Receiver numbers listed in Erik Bylin's Affidavit, 20 pages.	
	A31	Purchase Orders from Melles Griot Corp. to J.A. Woollam Co., for Achromatic Lenses, 1997, 8 pages.	
	A32	Purchase Order No. P9508-F29, J.A. Woollam Japan Corporation, December 1, 1995, 2 pages.	
	A33	J.A. Woollam Co., Inc., FS-110 Vertical Ellipsometer focused Beam System Upgrade Installation Instructions, 2-21-1994, pages 2-3.	
	A34	Advertisement for VASE, R&D Magazine, February 1999, page 38.	

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